

Minutes of the Maine Real Estate Commission

August 30, 2006

MEMBERS PRESENT

Winfred Stevens, Chairman
Earl Black
David Kitchen
Sharon Millett
Jeffrey Mitchell

STAFF PRESENT

Carol Leighton, Director
Karen Bivins, Deputy Director
Robert Perkins, Assistant Attorney General
Judy Phillips, Examiner
Marilyn Lugner, Education Coordinator
Susan Greenlaw, Secretary

MEMBERS ABSENT

Susan Lewis Hodgkins

Location: Central Conference Room

Start: 9:00 a.m.

Adjourn: 11:00 a.m.

Agenda Modifications

A motion was made by Jeffrey Mitchell and seconded by Earl Black to add the following to the agenda. Unanimous.

- I. Request to Modify Proposed Consent Agreement #2006-REC-2866
- II. Proposed Consent Agreements
 - A. #2006-REC-2836
 - B. #2006-REC-2865

Commission Minutes

A motion was made by Earl Black and seconded by Jeffrey Mitchell to approve the minutes of the July 20, 2006 meeting as written. Unanimous.

Adjudicatory Hearings

The Commission granted a continuance in the matter of Director v. William MacFarlane.

The hearing in the matter of Paul D. Weinstein v. Director was cancelled.

Draft Commission Decisions

A motion was made by Sharon Millett and seconded by Earl Black to accept the Decision and Orders in the matters of Director v. Dani L. O'Halloran, Director v. Catherine L. Pierce, Director v. Kristina L. Savard, and Director v. Margo H. Stanley. Black, Millett, Mitchell, and Stevens voted in the affirmative; none opposed; Kitchen abstained. Motion carried.

Proposed Consent Agreements

#2004-REC-8: Earl Black recused and left the room. A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the Proposed Consent Agreement. Kitchen, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

#2006-REC-2866: David Kitchen recused and left the room. A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the Proposed Consent Agreement. Black, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

Request to Modify Proposed Consent Agreement #2006-REC-2866: David Kitchen recused and left the room. A motion was made by Earl Black and seconded by Jeffrey Mitchell to approve the Consent Agreement and grant a continuance for payment of the fine to January 1, 2007. Black, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

#2006-REC-2745: A motion was made by Jeffrey Mitchell and seconded by David Kitchen to accept the Proposed Consent Agreement. Unanimous.

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the Proposed Consent Agreements in case numbers 2006-REC-2837, 2006-REC-2838, 2006-REC-2859, 2006-REC-2863, 2006-REC-2876, 2006-REC-2836, and 2006-REC-2865. Unanimous.

Dismissed Complaints

#2006-REC-2586: Earl Black recused and left the room. A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the Proposed Dismissal. Kitchen, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

#2006-REC-2793: David Kitchen recused and left the room. A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the Proposed Dismissal. Black, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

A motion was made by Sharon Millett and seconded by Earl Black to accept the Proposed Dismissals in case numbers 2005-REC-7, 2005-REC-11, and 2006-REC-2826. Unanimous.

William W. Mercier – request for reconsideration of fine payment schedule

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to grant the request for an extension of the fine payment to September 29, 2006. Unanimous.

Director's Report

FAQ – Chapter 420-8 Appointed Agent: The issue of the status of the company's agency relationship to a client when the appointed agent leaves the company and the client does not consent to the appointment of another agent was discussed. The members agreed that the issue was a contract issue that would be determined by the brokerage agreements executed for the transaction.

The following documents were provided to the members for informational purposes and brief discussion:

- Federal Trade Commission – June 15, 2006 Correspondence
- Consumer Federation of America news release *"How the Real Estate Cartel Harms Consumers and How Consumers Can Protect Themselves"*
- ARELLO July 2006 News Release
- *"Redefining Realtor Relationships and Responsibilities: The Failure of State Regulatory Responses"* – Ann Morales Olaza'bal 2003 edition of the Harvard Journal on Legislation
- Investigative Review Report – FY 05-06

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to add the following to the agenda. Unanimous.

- Proposed Consent Agreement #2006-REC-2875

A motion was made by Jeffrey Mitchell and seconded by Sharon Millett to accept the Proposed Consent Agreement in case number 2006-REC-2875.

Proposed Commission Meeting Schedule – 2007: Provided to the members and attached to these minutes.

Next Meeting Scheduled for September 21, 2006

The meeting was adjourned at 11:00 a.m.

This report respectfully submitted,

Winfred A. Stevens
Chairman

Carol J. Leighton
Director

**REAL ESTATE COMMISSION
2007 MEETING SCHEDULE**

DATE	TIME	LOCATION
January 25, 2007	9:00 AM	Central Conference Room
February 15, 2007	9:00 AM	Central Conference Room
March 15, 2007	9:00 AM	Central Conference Room
April 19, 2007	9:00 AM	Central Conference Room
May 17, 2007	9:00 AM	Central Conference Room
June 21, 2007	9:00 AM	Central Conference Room
July 19, 2007	9:00 AM	Central Conference Room
August 16, 2007	9:00 AM	Central Conference Room
September 20, 2007	9:00 AM	Central Conference Room
October 18, 2007	9:00 AM	Central Conference Room
November 15, 2007	9:00 AM	Central Conference Room
December 20, 2007	9:00 AM	Central Conference Room